

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 11/6/2023

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Susan Zielle
COURTROOM DEPUTY: Keary Conrad
LAW CLERK: Cameron Morris

Joseph Michael Phillips	4:22-CV-184
V.	
Collin Community College District, et al	

ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Greg Gruebel, Joshua Bleisch Kelley Bregenzer, and JT Morris, Kaitlyn Patton, Robert Schmidt	Charles Crawford, Richard Abernathy (individuals) Bob Davis (Board of Trustees)

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Voir Dire, Jury Selection, Jury Trial - Day 1
10:00 a.m.	Court in session. Court notes appearances.
10:02 a.m.	Judge addresses the panel.
10:10 a.m.	Plaintiff's counsel, JT Morris gives 5 minute opening statement. Counsel Morris introduces Plaintiff and the team of counsel.
10:15 a.m.	Defendant's counsel, Richard Abernathy gives 5 minute opening statement. Counsel Abernathy introduces Defendants and team of counsel.
10:28 a.m.	Plaintiff's counsel, JT Morris begins voir dire.
11:27 a.m.	Plaintiff's counsel, JT Morris concludes voir dire.
11:28 a.m.	Defendant's counsel, Richard Abernathy begins voir dire.
12:06 p.m.	Defendant's counsel, Bob Davis begins voir dire.
12:14 p.m.	Defendant's counsel, Bob Davis concludes voir dire.
12:16 p.m.	Court discusses strikes for cause.
12:18 p.m.	Parties will have strikes back to CRD by 12:45 pm.
12:19 p.m.	Court hears from Defendant's counsel regarding pending objection to certain witnesses.

TIME:	MINUTES: Voir Dire, Jury Selection, Jury Trial - Day 1
12:20 p.m.	Court recess pending strikes.
12:55 p.m.	Court re-convened. Jury seated. Jury placed under oath.
1:00 p.m.	Court reads preliminary instructions to jury.
1:11 p.m.	Jury released for lunch.
1:12 p.m.	Court hears from Defendant's counsel, Bob Davis regarding exclusion of two witnesses -Dr. Donald and Dr. Collins. Defendant's offer to stipulate to the authenticity of the videos. Defendant will stipulate to the admissibility and authenticity of the video and can release Dr. Collins. Dr. Donald will not be stricken as a witness. Court advises Parties are not bound to the podium for the opening statement.
1:17 p.m.	Court in recess until 2:25 p.m.
2:30 p.m.	Court re-convened. Jury seated.
2:32:25 pm	Plaintiff's counsel, Greg Greubel begins opening statement.
2:46:30 pm	Defendant's counsel, Charles Crawford begins opening statement.
3:05:49 pm	Defendant's counsel concludes opening statement.
3:06 pm	Court conditionally admits all exhibits that are not objected to and advises counsel that the exhibits must be utilized with a witness in order to be fully admitted.
3:06:09 pm	Plaintiff's counsel, Kelley Bregenzer calls Floyd Nickerson. Witness placed under oath. Plaintiff's counsel begins direct examination of witness Floyd Nickerson.
3:08:51 pm	Plaintiff's counsel, Kelley Bregenzer refers witness to Plaintiff's Exhibit 53.
3:14:02 pm	Plaintiff's counsel, Kelley Bregenzer refers witness to Plaintiff's Exhibit 49.
3:26:33 pm	Defendant's counsel, Charles Crawford begins cross examination of Floyd Nickerson.
3:27:50 pm	Plaintiff's counsel, Kelley Bregenzer re-direct of Floyd Nickerson.
3:30:00 pm	Pass the witness. Court polls the jury for questions of the witness. Bench conference.
3:31:55 pm	Witness excused.
3:32 pm	Jury excused for 15 minute break.
3:33 pm	Defendant's counsel invokes the rule. Court advises Parties to monitor witnesses in the courtroom.
3:34 pm	Court recess for 15 minutes.
3:46 pm	Court re-convened. Jury seated.
3:48:42 pm	Plaintiff's counsel, Greg Gruebel calls Mary Barnes-Tilly. Witness placed under oath. Plaintiff's counsel, Greg Gruebel begins direct examination of witness.
3:50:39 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibits 116, 77.
3:51:02 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibit 77.

TIME:	MINUTES: Voir Dire, Jury Selection, Jury Trial - Day 1
3:57:23 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibit 117.
3:59:01 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibit 79.
4:02:04 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibit 80.
4:19:32 pm	Plaintiff's counsel, Greg Gruebel refers witness to Plaintiff's Exhibit 105.
4:26:10 pm	Defendant's counsel, Richard Abernathy objection to cumulative, relevancy, and inadmissible hearsay. After hearing argument from counsel, the Court orders the exhibit is admitted conditionally subject to redactions.
4:29:26 pm	Plaintiff's Exhibit 102 is conditionally admitted but subject to redactions to be made for anything that is not relevant to the case.
5:00:19 pm	Jury released. Parties discuss timing of the rest of the week.
5:01 pm	Court adjourned.
	Plaintiff Admitted Exhibits: 49, 53, 77, 79, 80, 81, 102 (subject to redactions), 105, 116, 117, Defendant Admitted Exhibits: Plaintiff time used: 1:44:13 Defendant time used: 0:24:14

DAVID O'TOOLE, CLERK

BY: Kearny Conrad
Courtroom Deputy Clerk